

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
CONDITIONAL USE PERMIT REPORT (#FCU-12-10)
GARDNER INVESTMENTS, LLC
DECEMBER 21, 2012

This is a report to the Flathead County Board of Adjustment regarding a request by Gardner Investments, LLC for a conditional use permit to expand an existing 'mini-storage' and add a caretaker's facility. The subject property is located within the Lower Side Zoning Districts and is zoned 'AG-80 Agricultural' and 'SAG-5 Suburban Agriculture'.

The Flathead County Board of Adjustment will hold a public hearing on the proposed conditional use on January 8, 2012 beginning at 6:00 P.M. in the 2nd floor conference room of the Earl Bennett Building, 1035 First Avenue West, Kalispell. Documents pertaining to this file are available for public inspection in the Flathead County Planning and Zoning Office, also located on the second floor of the Earl Bennett Building.

I. APPLICATION REVIEW UPDATES

A. Land Use Advisory Committee/Council

The proposed land use is not located within the advisory jurisdiction of a Land Use Advisory Council.

B. Board of Adjustment

This space will contain an update regarding the January 8, 2012 Flathead County Board of Adjustment review of the proposal.

II. GENERAL INFORMATION

A. Application Personnel

i. Applicant & Landowner

Gardner Investments, LLC
PO Box 958
Kalispell, MT 59903

ii. Representative

APEC Engineering
2593 Highway 2 East Ste. 3
Kalispell, MT 59901

B. Property Location and Size

The property is located at the intersection of Lower Valley Road and Demersville Road, south of Lower Valley Road and west of Demersville Road at 148 Lower Valley Road (see Figure 1 below). The subject property is 7.52 acres in size and can be legally described as Tract 14AB in Section 28, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana.

Figure 1: Location of the subject properties (highlighted in red).



C. Existing Zoning and Land Use(s)

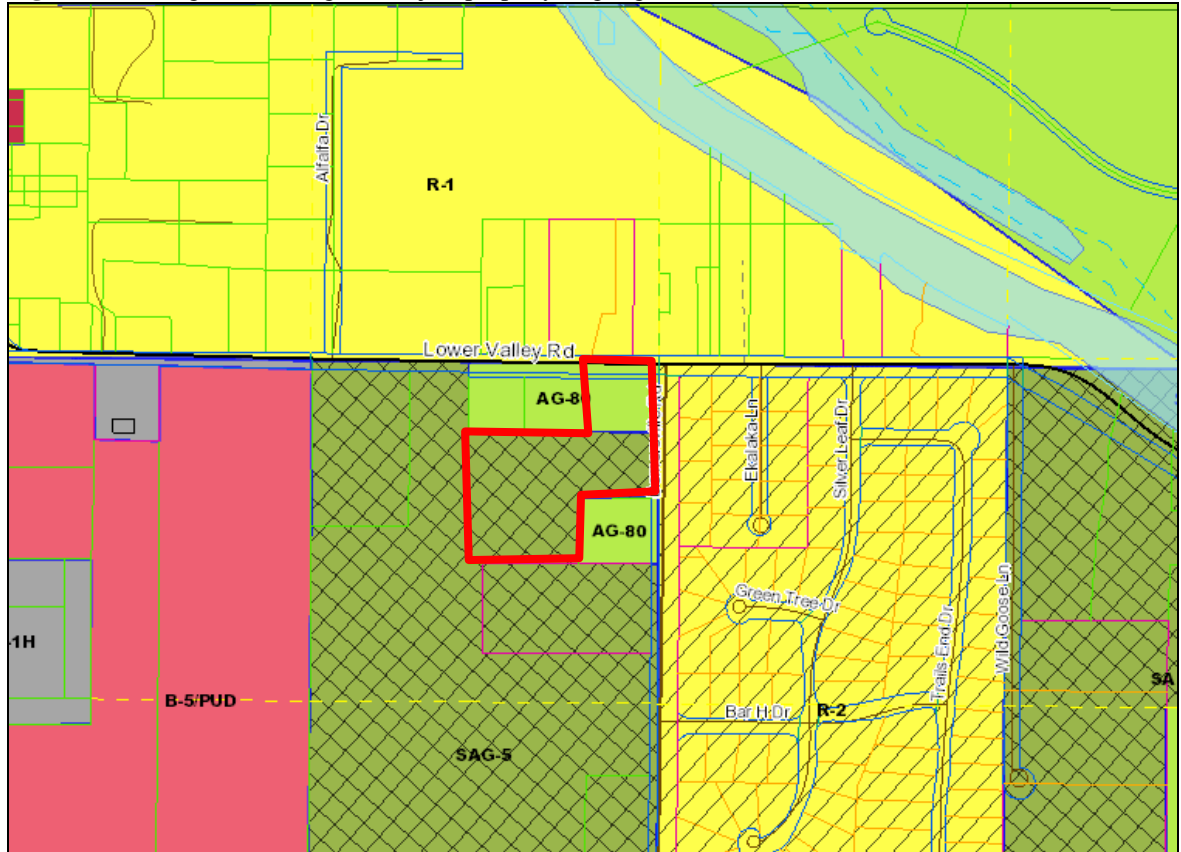
The property is located within the Lower Side Zoning District and is zoned ‘AG-80 Agriculture’ and ‘SAG-5 Suburban Agriculture.’ AG-80, per Section 3.04 of the Flathead County Zoning Regulations (FCZR), is a classification intended to “*protect and preserve agricultural land for the performance of a wide range of agricultural functions. It is intended to control the scattered intrusion of uses not compatible with an agricultural environment, including, but not limited to, residential development.*” SAG-5, per Section 3.08 of the FCZR, is a classification intended to “*provide and preserve smaller agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development.*” The subject property is currently developed with 40 mini-storage units, which was in operation prior to the adoption of the Lower Side Zoning District September 27, 1993, and is considered a non-conforming use.

D. Adjacent Land Use(s) and Zoning

Adjacent properties are generally developed with a mix of residential, suburban agricultural, agricultural, and business uses. Additionally businesses are located about a quarter mile to the west. Adjacent properties located east of the subject property are zoned ‘R-2 One Family Limited Residential,’ the adjacent properties to the north are zoned ‘R-1 Suburban Residential’ and ‘AG-80 Agriculture,’ and the adjacent properties to the south and west are zoned ‘SAG-5 Suburban Agriculture.’ Additional adjacent properties south of the subject properties are zoned ‘AG-80

Agriculture’ (see Figure 2 below). Property directly to the south and west of the subject property have operating businesses and about a tenth of a mile west is a ‘B-5/PUD’ business zone within the City of Kalispell.

Figure 2: Zoning surrounding the subject property (highlighted red).



E. Summary of Request

According to the application, the property currently contains two mini-storage buildings each of which are roughly 4,000 square feet in size, near the corner of Demersville Road and Lower Valley Road. The application is proposing to add eight additional buildings for mini-storage and a caretaker’s facility, the two southern most buildings will be approximately 11,000 square feet, three buildings located in the west central portion of the property will be about 8,800 square feet, and three buildings located on the east central portion of the lot will be 9,200 square feet. The rear of the property will contain open storage area of about 54,000 square feet for boats and RV’s. And a caretaker’s facility will be located on the north portion of the property within the AG-80 zone and will be approximately 1,600 square feet in size.

Mini-storage is not listed as a permitted or conditional use in either AG-80 or SAG-5 zoning designation, pursuant to Section 3.04 and Section 3.08 FCZR. However, as the mini-storage predates the creation of the Lower Side Zoning District (Resolution No. 957A on September 27, 1993), the applicant is requesting a conditional use permit to expand the existing, non-conforming use within the confines of the parcel upon which it is located, pursuant to Section 2.07.040(4) FCZR. The expansion

would include open storage for RV's and boats, a caretaker's facility and the construction of 282 additional storage units for a total of 322 storage units.

The applicant is also requesting a conditional use permit to allow for a caretaker's facility to be placed on the subject property pursuant to Section 4.04.010 of the Flathead County Zoning Regulations (FCZR). The caretaker's facility must be confined to the AG-80 zone, because it is not a permitted or conditional use in SAG-5, but is a conditional use in AG-80. The applicant proposes the caretaker's facility to be subordinate to the principal use, mini-storage.

The caretaker's facility will be used as the residence for the operator of the property and mini-storage. A caretaker's facility is defined under Section 7.04.025 FCZR as *"a dwelling which is constructed and designed to provide living quarters for caretakers and/or property manager and is clearly subordinate to the principal dwelling with regard to size and location."* The zoning administrator has determined that even though the definitions of caretaker's facility states *"subordinate to the principal dwelling"* the intent is clearly that a caretaker's facility is subordinate to the principal use. This interpretation was made for a previous inquiry; the request for a caretaker's facility is consistent with that interpretation. The caretaker's facility may not be rented or leased, to someone other than a legitimate caretaker. The placement of a caretaker's facility and expansion of a non-conforming use requires the issuance of a conditional use permit, the review of which is subject to specific guidelines set forth under Section 2.06.080 FCZR regarding criteria for the issuance of a Conditional Use Permit.

F. Compliance With Public Notice Requirements

Notification was mailed to property owners within 150 feet of the subject property on December 10, 2012, pursuant to Section 2.06.040(3) of the Flathead County Zoning Regulations. Legal notice of the public hearing on this application was published in the December 23, 2012 edition of the Daily Interlake.

G. Agency Referrals

Referrals were sent to the following agencies on November 29, 2012:

- Flathead City-County Health Department
 - Reason: The property is located within the department's jurisdiction.
- Flathead County Road and Bridge Department
 - Reason: The property is located at the intersection of two county maintained roads and has the potential to impact County facilities.
- South Kalispell Fire Department
 - Reason: The property is located within the department's jurisdiction, and has the potential to impact South Kalispell Fire Department facilities.
- Flathead County Solid Waste District
 - Reason: The property is located within the department's jurisdiction, and has the potential to impact County facilities.
- Flathead County Weeds and Parks Department
 - Reason: The property is located within the department's jurisdiction, and has the potential to impact County facilities.

- DEQ, Subdivision Review
 - Reason: The application is proposing a well for water supply, septic system and on-site storm water detention.
- Montana Department of Natural Resources and Conservation (DNRC)
 - Reason: The application is proposing a well for water supply.
- Bonneville Power Administration (BPA)
 - Reason: BPA has requested a referral any time agency referrals are sent out.

III. COMMENTS RECEIVED

A. Public Comments

No written public comments have been received to date regarding the request for conditional use permit. Any individual wishing to provide public comment on the proposal may do so during the January 8, 2012 Flathead County Board of Adjustment public hearing on the proposal. Any written comments received following the completion of this report will be provided to the Board and summarized during the public hearing.

B. Agency Comments

The following is a summarized list of agency comment received as of the date of the completion of this staff report:

- Flathead County, Environmental Health Department
 - Comment: The proposed conditional use should not affect previously approved development by this office. Storm water drainage should be accounted for based on the proposed development, which is shown on the plan. Water and wastewater disposal by the proposed caretaker quarters must be addressed.
- Flathead County Road & Bridge Department
 - Comment: At this point the County Road Department does not have any comments on this request.
- Flathead County Weeds and Parks Department
 - Comment: The subject property has been inspected, and the applicant has been told to continue whatever control measures they currently have in effect, document and return plan.
- Flathead County Solid Waste District
 - Comment: The district views no negative impacts with solid waste at this time and requests that all solid waste generated at the proposed location be hauled by a private hauler.
- DEQ Subdivision Review
 - Comment: Increased usage may require sanitation in subdivision review, if it does and if they do not meet the storm water requirements they will need a PE designed DEQ 8 storm water report.
- Bonneville Power Administration
 - Comment: It appears the proposal will not impact any BPA

transmission line corridors located within the area. BPA does not have any objections to the approval of this request at this time.

IV. CRITERIA REQUIRED FOR CONSIDERATION

Per Sections 2.06.080 and 2.06.100 of the Flathead County Zoning Regulations (FCZR), what follows are criteria required for consideration of a Conditional Use Permit and suggested findings of fact based on review of each criterion.

A. Site Suitability

i. Adequate usable space

The lot coverage for an AG-80 zone is limited to 20%. The permitted maximum lot coverage is listed for a SAG-5 zone as 25% for residential uses and does not specifically list lot coverage for other uses. Generally when lot coverage is not specified or addressed within a zone it has been interpreted to mean that no lot coverage applies. Mini-storage is an existing non-conforming use and is classified as a commercial use, not residential. Therefore, it has been determined that the 25% lot coverage applies to residential uses, and lot coverage would not be applicable for commercial uses, including mini-storage.

The subject property is approximately 7.52 acres in size, and developed with an existing mini-storage located on the property. The two existing mini-storage buildings are each 100 feet long by 40 feet wide and are approximately 4,000 square feet each and situated within the AG-80 portion of the lot. The site plan submitted with the application proposes nine new buildings eight of which will be used for mini-storage and the ninth would be caretaker's facility. The caretaker's facility is shown as 40 feet by 40 feet on the site plan, approximately 1,600 square feet in size and situated within the portion of the lot zoned AG-80. It would be necessary for the caretaker's facility to be situated within the AG-80 zone in order to comply with the Flathead County Zoning Regulations. Two of the mini-storage buildings will be 220 feet long by 50 feet wide, approximately 11,000 square feet each, three buildings will be 220 feet long by 40 feet wide, about 8,800 square feet each and the remaining three mini-storage buildings will be 230 feet long by 40 feet wide, approximately 9,200 square feet each. Each of the proposed mini-storage buildings are shown as being 30 to 45 feet apart to allow for parking and driving lanes. The total square footage of the proposed and existing buildings equals 85,600 square feet.

The portion of the of the property within the AG-80 zone is approximately 50,529.7 square feet, 20% of that would be 10,105.9 square feet. The two existing buildings and the proposed caretaker's facility located within the AG-80 zone would total approximately 9,600 square feet, just below the permitted lot coverage. The other buildings would all be located within the SAG-5 portion of the lot and the lot coverage has been determined to be not applicable for the mini-storage units.

There appears to be adequate useable space on the lot to accommodate the mini-storage and the caretaker's facility, in compliance with the applicable bulk and dimensional requirements of the SAG-5 and AG-80 zones.

Finding #1 – The subject property appears suitable for the proposed use because the site is currently developed with mini-storage buildings and the proposed placement of the caretaker’s facility and new mini-storage buildings would be able to comply with the bulk and dimensional requirements of both the AG-80 and SAG-5 zones, and allow for adequate usable space.

ii. Adequate access

The existing access to the mini-storage is an approach on Demersville Road located approximately 90 feet south of Lower Valley Road. The site plan shows the access will be relocated further south on Demersville Road, approximately 200 feet from Lower Valley Road. Demersville Road is a county collector road within a 60 foot easement, and is currently a paved 24 foot wide road. Lower Valley Road is a paved minor arterial 24 feet in width. The new access will be about 26 feet wide and support both ingress and egress to the subject property. The placement of the new approach further south will require review by the Flathead County Road and Bridge Department and a new approach permit would be required.

Figure 3: Current access off Demersville Road



Finding #2 – The site is suitable for the proposed use because the proposed access from Demersville Road will be via a 26 foot wide approach which is able to accommodate two-way traffic created as a result of the proposed expansion of use, and caretaker’s facility, and review of the approach permit would be required.

iii. Absence of environmental constraints

The subject property is located on relatively flat land and according to FEMA FIRM panel 30029C1820G is situated in an un-shaded Zone X, which is classified as an area outside the 500-year floodplain. Additionally, there are no wetlands, streams, or creeks located on the subject property. There are no apparent environmental constraints that would affect the proposed use.

Finding #3 – The subject property appears suitable for the expansion of mini-storage and the addition of the caretaker's facility because the site is absent of environmental factors which could adversely impact or limit the suitability of the property for the proposed use.

B. Appropriateness of design

i. Parking scheme

The parking area on the subject property currently consists of temporary parking in front of each storage unit. The conditional use standards for mini-storage require that temporary parking be located on parking/driving lanes adjacent to storage units. These parking/driving lanes must be 26 feet wide when storage units open to one side of the lane and 30 feet wide when storage units open to both side of the driving lane, pursuant to Section 4.13.060 FCZR. The driving lanes with buildings located on either side are shown on the site plan at or wider than 30 feet. The parking /driving lane with units on one side are shown to be wider than 26 feet meeting the requirement.

Additionally, per Section 4.13.050 FCZR the proposed new mini-storage units are required to have one parking space for the on-site manager with two additional spaces for the leasing office. Two parking spaces per dwelling unit are required per Section 6.02 FCZR, because the caretaker's facility is defined as a dwelling, per Section 7.04.010 FCZR, two parking spaces are required for the caretaker's facility.

The site plan does not show a location for the five required parking spaces however, there appears to be sufficient space on the north, and south sides of the caretaker's facility and on the east side of the northernmost storage building. A total of five parking spaces are required for the mini-storage and caretaker's facility, plus temporary spaces shall be located in front of the storage units.

ii. Traffic circulation

The subject property would be accessed off Demersville Road via a single approach located further south than the existing approach. The new approach is shown as being 26 feet wide on the site plan and will provide both ingress and egress to the subject property. Internal driving lanes will be a minimum of 20 feet wide with a crushed gravel surface. The internal driving lanes are shown on the site plan as looping around the entire property and in between each storage building eliminating the need for a turnaround. The driving lanes between storage units are required to be a minimum of 30 feet wide to provide for two-way traffic and temporary parking in front of each storage unit, and the

driving lanes with a storage building on only one side are required to be 26 feet in width. Based on the review of the revised site plan, the site is able to accommodate traffic circulation and still meet the parking requirements outlined in Section 4.13.060 FCZR.

Finding #4 – The site plan submitted appears to comply with all applicable regulations for parking and traffic circulation because the parking and driving lanes where storage units open up on both sides are a minimum of 30 feet in width and where storage units open up on one side are a minimum of 26 feet in width, the driving lanes are looped eliminating the need for a turnaround, and additional parking can be located near to the caretaker's facility for the caretaker and leasing office.

iii. Open space

As previously discussed, the proposed and existing structures on the subject property will be below the maximum lot coverage restriction of 20% for AG-80 and lot coverage for a non-residential use in SAG-5 is not applicable. Over 5.5 acres of the subject property shall remain open space.

iv. Fencing/screening

The property has existing barbed wire fence separating the portion of the lot zoned AG-80 from the portion zoned SAG-5. The application states the perimeter of the property will be fenced. The maximum fence height in an AG-80 zone is not applicable and in SAG-5 maximum fence height is 6 feet for residential uses and similarly to lot coverage is not specified for other uses. Per a previous zoning administrator interpretation, when fence height is not specified within a zone it has been interpreted to mean that no maximum fence height would apply. Mini-storage is an existing non-conforming use and is classified as a commercial use and not residential. Because the permitted maximum fence height specifically addresses residential uses; it has been determined that the 6 foot height listed only applies to residential uses, for the proposed expansion of the non-conforming mini-storage a maximum fence height would not apply. Screening requirements will be addressed below in Section v. Landscaping of this report.

Finding #5 – The subject property appears to be appropriately designed to meet open space, fencing and screening requirements because over 5.5 acres of the property will remain open and there would be no fence height restrictions for the use.

v. Landscaping

There is currently an open field on one portion of the property and gravel around the existing storage buildings on the other. There are currently no trees or shrubs on the subject property. The mini-storage use has specific landscaping requirements set forth in Section 4.13.030 FCZR. For the portion of the property bordering residentially zoned areas, landscaping that creates sight-obscuring

barriers is required and shall consist of trees, shrubs, and ground cover or a combination thereof. The revised site plan shows the landscape barrier will be located in front of the fence and shall consist of mixture of medium profile evergreen shrubs and native grasses.

Figure 4: View of property along Demersville Road adjacent to residentially zoned areas



Finding #6 – The proposed landscaping appears to meet the minimum landscaping requirements set forth in Section 4.13.030 because the landscape barrier will be located in front of the fence with a mixture of medium profile evergreen shrubs and native grasses creating a buffer between residential uses and the mini-storage.

vi. Signage

There is not a sign currently on the property but the site plan shows a sign to be located at the corner of Demersville Road and Lower Valley Road. The application states that the proposed signage will be a low profile, free standing sign. The proposed signage is required to comply with the applicable standards for signs in AG-80 and SAG-5 zones as outlined in Section 5.11.040(1) FCZR. Pursuant to Section 5.11.040(1)(A) FCZR the applicant is allowed one freestanding sign plus one wall sign, and the total sign area shall not exceed 40 square feet in size. The proposed sign must comply with all freestanding, ground, and off-site signage regulations found in Section 5.11.020(3) FCZR.

vii. Lighting

The application proposes new low impact lighting to be located on the outsides of the storage buildings. All proposed lighting must comply with performance standards set forth in Section 5.12 FCZR.

Finding #7 – Proposed signage and exterior lighting for the mini-storage would be acceptable because onsite signage is allowed in the AG-80 Agricultural, and low impact lighting would be required to comply with applicable requirements set forth in the Flathead County Zoning Regulations.

C. Availability of Public Services and Facilities

i. Sewer

The subject property is not located within an area serviced by a public sewer district. The application states that the storage facilities would not need sewer service, however the proposed caretaker's facility would require installation of a new septic system and drain field. It appears there is adequate space for a future drain field, and the systems would be required to be reviewed and evaluated by the Flathead City-County Environmental Health Department prior to installation and operation.

ii. Water

The subject property is not located within an area serviced by a public water district. The application states that the storage facilities would not require water; however the proposed caretaker's facility would require installation of a new well. The applicant would be required to obtain all applicable permits from the Flathead County Environmental Health Department.

Finding #8 – The proposed expanding non-conforming use and caretaker's facility would have minimal impact on public water and sewer because the proposed expanded mini-storage will not require water and sewer and the proposed caretaker's facility will connect to a new private well and septic system which will require review by Flathead County Environmental Health Department.

iii. Storm Water Drainage

Storm water drainage is proposed to be managed onsite through a storm water detention area located on the southern edge of the property. As the proposed new construction would add approximately 77,600 square feet of impermeable surfaces to the existing 8,000 square feet, increased storm water runoff as a result of this proposal is expected. Unless managed properly, storm water could potentially drain into the surface waters of Stillwater River, located approximately 900 feet away from the proposed new structures. Montana Department of Environmental Quality has stated that, "the increased usage may require sanitation in subdivision review, and if it does and if they do not meet the storm water requirements in 17.36.310(3), they will need a PE designed DEQ 8 storm water report." The applicant is subject to compliance with applicable storm water management requirements of the Montana Department of Environmental Quality.

Finding #9 – The proposed new construction would have a minimum impact on storm water facilities because storm water will be managed through an on-site storm water detention area and must comply with DEQ requirements.

iv. Fire Protection

The subject property is located within the South Kalispell Fire District and would be served by the district's station located approximately one mile north at the intersection of FFA Drive and Willow Glen Drive. Due to the centralized location of the property south of the Kalispell area, it is anticipated response times in the event of an emergency would not be unreasonable.

v. Police Protection

The property would be served by the Flathead County Sheriff's Department. Quick response times are possible given the property's proximity to an urban, developed area of the County.

vi. Streets

The subject property is located at the corner of Demersville Road and Lower Valley Road. Demersville Road is a paved 24-foot wide county maintained road within a 60-foot easement. Lower Valley Road is paved 24-foot wide county maintained minor arterial within an 87-foot easement. The County Road and Bridge Department submitted a letter stating they have no comment on this request.

Finding #10 – The proposed caretaker's facility and mini-storage appears to have minimal impact on public services and facilities because the South Kalispell Fire District and Flathead County Sheriff currently provide service to the subject property, and the property is accessed by Demersville Road.

D. Immediate Neighborhood Impact

i. Excessive traffic generation

The subject property will be accessed off Demersville Road 200 feet south of the Lower Valley Road intersection. According to a study conducted by the Flathead County Road and Bridge Department between September 1, 2011 and September 8, 2011 Demersville Road has 545 average daily trips. Lower Valley Road has 2,368 average daily trips according to a study done by the Flathead County Road and Bridge Department from September 15, 2011 to September 22, 2011. The County Road and Bridge Department submitted a letter stating they have no comment on this request.

The application states that the traffic generated by this proposal would be 7 average daily trips per 100 units. However staff has determined based on the Institute of Transportation Engineering Trip Generation Manual the average AM and PM peak hours traffic generation to be approximately 8 trips per hour for 322 storage units. The hours of the proposed expanded mini-storage would be 7:00 AM to 10:00 PM or 15 hours a day. Based on the 8 trips generated per hour and the 15 hours per day the expanded use would generate approximately

120 daily trips. The proposed caretaker's facility is residential and it is anticipated to generate a minimal amount of traffic. The traffic generated by the caretaker's facility would be approximately 10 vehicle trips per day based on standard trip generation calculations for single family residences. The total trips generated by the expanded mini-storage and caretaker's facility would be approximately 130 vehicle trips per day.

It appears the traffic anticipated to be generated by the expanded mini-storage and caretaker's facility would have a minimal impact on Demersville Road and Lower Valley Road even though the traffic generated by the use is approximately 24% of the current average daily traffic for Demersville Road it would about 5% of the average daily traffic for Lower Valley Road, and the traffic generated appears to be acceptable given the width of 24 feet and the paving condition of both roads. It is anticipated that any additional vehicle traffic generated by the expanded use and caretaker's facility will have a minimal adverse impact on the surrounding neighborhood.

Finding #11 – Additional vehicle traffic associated with the proposed use is not anticipated to generate excessive traffic which would adversely impact the immediate neighborhood or adjacent roads because roads providing access are paved, 24 feet in width and in good condition.

ii. Noise or vibration

It is not anticipated that the expanded mini-storage and caretaker's facility would generate any excess noise or vibrations. Any noise generated would likely be minimally audible to adjacent properties due to the nature of the proposed use and the requirement for modest landscaping between residential zones and the subject property.

iii. Dust, glare or heat

Excessive dust, glare or heat is not anticipated as a result of the expansion of the non-conforming use and the addition of the caretaker's facility. Although the parking and driving lanes areas will remain gravel, vehicles will not be traveling at speeds likely to generate dust.

iv. Smoke, fumes, gas, or odors

No smoke, fumes, gas or odors are anticipated to be generated by the expansion of the non-conforming use or the caretaker's facility.

Finding #12 – The proposed use is anticipated to have a minimal impact on the neighborhood because the expanded non-conforming use and caretaker's facility would generate minimal noise, vibration, dust, glare, heat, smoke, fumes, gas or odors that would not have adverse affect on neighbors.

v. Inappropriate hours of operation

The application states that the proposed business hours are from 7:00 AM to 10:00 PM and the application indicates that there will not be access to the facility at night. There are no specific standards for hours of operation for mini-storage or caretaker's facility established in the Flathead County Zoning Regulations. However because of the residential character of the neighborhood inhabitants may be impacted by late hours.

Finding #13– The proposed hours of operation would be acceptable and would likely have minimal impact on the neighborhood because activity levels associated with normal operation of the mini-storage would primarily occur during daytime and early evening hours, and hours would be cut off at 10:00 PM preventing activity during the most inappropriate times of the night for adjacent residential uses.

V. SUMMARY OF FINDINGS

1. The subject property appears suitable for the proposed use because the site is currently developed with mini-storage buildings and the proposed placement of the caretaker's facility and new mini-storage buildings would be able to comply with the bulk and dimensional requirements of both the AG-80 and SAG-5 zones, and allow for adequate usable space.
2. The site is suitable for the proposed use because the proposed access from Demersville Road will be via a 26 foot wide approach which is able to accommodate two-way traffic created as a result of the proposed expansion of use, and caretaker's facility, and review of the approach permit would be required.
3. The subject property appears suitable for the expansion of mini-storage and the addition of the caretaker's facility because the site is absent of environmental factors which could adversely impact or limit the suitability of the property for the proposed use.
4. The site plan submitted appears to comply with all applicable regulations for parking and traffic circulation because the parking and driving lanes where storage units open up on both sides are a minimum of 30 feet in width and where storage units open up on one side are a minimum of 26 feet in width, the driving lanes are looped eliminating the need for a turnaround, and additional parking can be located near to the caretaker's facility for the caretaker and leasing office.
5. The subject property appears to be appropriately designed to meet open space, fencing and screening requirements because over 5.5 acres of the property will remain open and there would be no fence height restrictions for the use.
6. The proposed landscaping appears to meet the minimum landscaping requirements set forth in Section 4.13.030 because the landscape barrier will be located in front of the fence with a mixture of medium profile evergreen shrubs and native grasses creating a buffer between residential uses and the mini-storage.
7. Proposed signage and exterior lighting for the mini-storage would be acceptable because onsite signage is allowed in the AG-80 Agricultural, and low impact lighting

would be required to comply with applicable requirements set forth in the Flathead County Zoning Regulations.

8. The proposed expanding non-conforming use and caretaker's facility would have minimal impact on public water and sewer because the proposed expanded mini-storage will not require water and sewer and the proposed caretaker's facility will connect to a new private well and septic system which will require review by Flathead County Environmental Health Department.
9. The proposed new construction would have a minimum impact on storm water facilities because storm water will be managed through an on-site storm water detention area and must comply with DEQ requirements.
10. The proposed caretaker's facility and mini-storage appears to have minimal impact on public services and facilities because the South Kalispell Fire District and Flathead County Sheriff currently provide service to the subject property, and the property is accessed by Demersville Road.
11. Additional vehicle traffic associated with the proposed use is not anticipated to generate excessive traffic which would adversely impact the immediate neighborhood or adjacent roads because roads providing access are paved, 24 feet in width and in good condition.
12. The proposed use is anticipated to have a minimal impact on the neighborhood because the expanded non-conforming use and caretaker's facility would generate minimal noise, vibration, dust, glare, heat, smoke, fumes, gas or other odors that would not have adverse affect on neighbors.
13. The proposed hours of operation would be acceptable and would likely have minimal impact on the neighborhood because activity levels associated with normal operation of the mini-storage would primarily occur during daytime and early evening hours, and hours would be cut off at 10:00 PM preventing activity during the most inappropriate times of the night for adjacent residential uses.

VI. CONCLUSION

Upon review of this application, the request to allow for an expanded 'mini-storage' as an expansion of a non-conforming use and a caretaker's facility on the subject property is generally supported by the review criteria and the 13 Findings of Fact listed above. Should the Flathead County Board of Adjustment choose to adopt Findings of Fact that support approval and approve the conditional use permit, the following 15 conditions would ensure compliance with the review criteria and that appropriate measures to mitigate impacts have been met:

VII. CONDITIONS

1. The operation of the 'mini-storage' and caretaker's facility on the subject property shall be in substantial conformance with the application materials and site plan as submitted and approved by the Board of Adjustment and modified by the conditions below [FCZR Section 2.06.010].

2. Changes or modifications to the approved use or the site plan shall not be affected unless specifically approved in writing by the Flathead County Board of Adjustment [FCZR Section(s) 2.06.010 and 2.06.020].
3. The caretaker's facility shall be used solely for the purpose defined in Section 7.04.025 of the Flathead County Zoning Regulations. The caretaker's facility shall not be rented, leased or occupied by anyone other than a caretaker, per Section 4.04.010(3) of the Flathead County Zoning Regulations.
4. The mini-storage shall comply with standards defined in Section 7.04.025 of the Flathead County Zoning Regulations.
5. The caretaker's facility and expanded mini-storage shall be located in accordance with the minimum setback requirements of the AG-80 Zoning District, pursuant to Section 3.04.040(3) of the Flathead County Zoning Regulations.
6. The approved use shall conform to the applicable standards of the AG-80 and SAG-5 zones [FCZR Sections 3.04 and 3.08].
7. A minimum of 5 standard vehicle parking spaces shall be clearly established and demarcated on the subject property to accommodate traffic generated by the mini-storage and caretaker's facility, and the parking and driving lanes shall be wide enough to accommodate traffic circulation and temporary parking in accordance with applicable zoning regulations [FCZR Sections 4.13.050, 6.01.010(2), 6.01.030 & 6.02.010].
8. Vegetation must be planted and alive at the time of the 12 month inspection, pursuant to Section 4.13.030 FCZR.
9. All signage on the subject property shall comply with applicable standards and guidelines set forth under Section 5.11 of the Flathead County Zoning Regulations.
10. All lighting on the subject property shall adhere to the performance standards set forth in Section 5.12 of the Flathead County Zoning Regulations, with exterior lighting specifically being side-shielded in a manner that the light source is not directly visible as viewed from a horizontal plane at or above the source's elevation above the ground.
11. The applicant shall adhere to all applicable Montana State commercial building requirements as required by the Montana Bureau of Labor and Industry. Documentation confirming the completion of this requirement shall be available upon request.
12. The proposed water and sewer systems and storm water drainage plan for the facility shall be submitted for review and approval by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality, as applicable, prior to construction.
13. Hours of operation shall be 7:00 AM to 10:00 PM seven days a week.
14. The operation of the expanded mini-storage and caretaker's facility shall commence within one year from the date of issuance of the conditional use permit. The permit may be extended for one additional year if the permittee requests additional time prior to expiration date.

15. At the end of twelve (12) months from the date of authorization of this permit staff will inspect to verify compliance [FZCR Section 2.06.060].